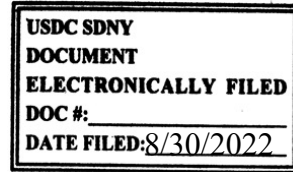




Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
+1 212 909 6000



August 17, 2022

BY ECF

The Honorable Katharine H. Parker, U.S.M.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, NY 10007

Cohen v. Group Health Incorporated, Case No. 1:22-mc-00200-PAE-KHP:

Letter Motion to Seal

Dear Judge Parker:

This firm represents Respondent Group Health Incorporated (“GHI” or “Respondent”) in the above-referenced miscellaneous action. Shortly, we will file GHI’s opposition to Petitioner Steve M. Cohen’s Motion to Quash, along with exhibits. Some of these exhibits have been designated by Plaintiffs in the underlying action as “Confidential” or “Confidential/Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order in the underlying action, *Steven Plavin, et al., v. Group Health Incorporated*, No. 17-CV-01462-RDM (M.D. Pa. Jan. 10, 2018), ECF Nos. 53-54. Under paragraph 11 of the Stipulated Protective Order, a copy of which is attached, GHI is required to file these documents under seal.

Pursuant to Rule III(d) of Your Honor’s Individual Practices, GHI sent these documents to Petitioner Steve M. Cohen and counsel for Plaintiffs in the underlying action (the designating party) to determine whether sealing was necessary and to propose limited redactions of confidential health information. Neither the Petitioner nor Plaintiffs’ counsel responded to our proposal, nor did they consent to file these exhibits on the public docket. Accordingly, in order to comply with the terms of the Stipulated Protective Order in the underlying action, GHI respectfully requests permission to file these exhibits under seal, and to file a redacted version of GHI’s brief on the public docket.

The Hon. Katharine H. Parker, U.S.M.J.

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August 17, 2022

We thank the Court for its consideration.

Respectfully submitted,

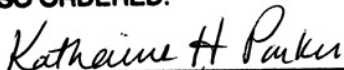
/s/ Jared I. Kagan
Jared I. Kagan
DEBEVOISE & PLIMPTON LLP
919 3rd Avenue
New York, New York, 10022
Phone: (212) 909-6000
jikagan@debevoise.com
*Counsel to Respondent Group Health
Incorporated*

cc: Steve M. Cohen (by ECF)
Counsel of Record in the underlying action (by email)

Respondent has moved to file documents related to its opposition brief under seal in order to maintain compliance with the parties' Protective Order. However, that material is designated by the parties as confidential is not sufficient to overcome the presumption of public access once the material becomes a judicial document. *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). Rather, a judicial document may only be sealed if the court makes "specific, on the record findings" that sealing is necessary "to preserve higher values," and "is narrowly tailored to serve that interest." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006). The parties have not suggested that any such higher values are implicated here.

The Court grants the parties until **September 13, 2022** to meet and confer to determine whether sealing is necessary to "preserve higher values" in accordance with *Lugosch* and its progeny. If the parties maintain that sealing is necessary, they shall file a revised motion to seal that proposes more narrowly tailored redactions and that explains, for each proposed redaction, why sealing is necessary. If no revised motion is filed by **September 13, 2022**, the Court will order the documents filed under seal to be unsealed.

SO ORDERED:



HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 8/30/2022